

the appointment of Respondent No.4 in his place. Aggrieved by this, the Appellant is before us.

3. The facts of the case are such that the Appellant before us was initially appointed as Lecturer in Jawaharlal Nehru Technological (JNT) University in 1985. He was eventually promoted as Reader in 1995. CSI Institute of Technology (CSIIT), Respondent No.2 issued an advertisement dated 25.09.1998 for the post of Director. The Appellant applied against the said advertisement and was selected and appointed as Director vide appointment letter dated 26.11.1998. At the time that the appointment letter was issued to the Appellant, the age of superannuation according to the All India Council For Technical Education (AICTE) and University Grants Commission (UGC) Regulations was sixty years. These regulations were revised vide AICTE notification dated 22.01.2010 and UGC regulations dated 18.09.2010 wherein the age of superannuation for teachers in Technical Institution was enhanced to sixty-five years.
4. During his stint of Director at CSIIT the appellant claims to have been promoted to the post of Professor. On 14.08.2018, the Appellant was relieved from the post of Director and Respondent No.4 was appointed in his place. Two days later, on

16.08.2018, the Appellant made a representation praying that he be continued in service until the age of sixty-five. Appellant filed Writ Petition No.39511 of 2018 before the High Court against the entrustment of work to Respondent No.4. The High Court vide order dated 02.11.2018 disposed of this Writ Petition directing CSIIT to consider and pass orders on Appellant's representation dated 16.08.2018. CSIIT in compliance of the order ultimately rejected the Appellant's representation on 03.12.2018. Aggrieved, the Appellant filed Writ Petition No.45297 of 2018 which was dismissed by the Single Judge vide order dated 04.09.2019 primarily on the ground that CSIIT is affiliated with JNT University which is following sixty years to be the age of superannuation and therefore the Appellant cannot expect to be continued in service up to sixty-five years of age. This order was further challenged by the Appellant before the Division Bench of the High Court in Writ Appeal No.753 of 2019 which was dismissed vide impugned order dated 22.11.2021.

5. We have heard Shri Gopal Sankaranarayanan, learned senior counsel appearing for the appellant and learned senior counsels, Shri Vinay Navare and Shri J.Prabhakar appearing on behalf of Respondent Nos.1 and 2 and learned counsels Shri Ravinder

Agarwal and Shri Harish Pandey appearing for Respondent No.3 and Respondent No.6 respectively.

6. The submissions advanced for the Appellant are that he has been retired from service on a premature and illegal basis as effected by Respondent Nos. 1 and 2. It is contended that when the Appellant was appointed to the post of Director in the year 1998, his age of superannuation was determined as per the AICTE and UGC regulations prevailing at that time, which was sixty years of age. However, seeing that in 2010, AICTE and UGC issued amended regulations, wherein the age of superannuation was revised up to sixty-five years of age, the same benefit should be extended to the Appellant now as professional institutes cannot depart from such binding regulations. This stand has been corroborated by AICTE; Respondent No.6 vide their Counter Affidavit as well. To establish that UGC regulations are not merely recommendatory, reliance has been placed on the following judgements:

- i. Islamic Academy of Education and Ors. vs. State of Karnataka and Ors¹**
- ii. Sreejith P.S. vs. Rajasree M.S. and Ors²**
- iii. Kalyani Mathivanan vs. K.V. Jeyaraj and Ors³**

¹ 2003(6) SCC 697

² 2022 SCC OnLine SC 1473

³ (2015) 6 SCC 363

- iv. Janet Jeyapaul vs. SRM University and Ors⁴**
- v. T.M.A Pai Foundation and Ors. vs. State of Karnataka and Ors⁵**

7. On the other hand, it is contended on behalf of Respondent Nos.1 and 2 that the Respondent No.2 Institute is a Private Unaided Minority Educational Institution, administered by Respondent No.1, Church of South India and affiliated to the State University in the State of Telangana. The subsequent amendment to the UGC regulations has not been adopted by the State of Telangana and the revised age of sixty-five years for superannuation does not prevail as the norm in the State and in the JNT University with which CSIIT is affiliated.
8. It is also submitted that the Appellant was never involved in teaching and was only working on the post of Director with administrative duties and if the AICTE regulations were applicable at all, the benefits would still not extend to the Appellant as the said regulation uses the term “Teacher” and “Principal” distinctly which does not apply to the present Appellant as he discharged no teaching duties. It is further contended that the Appellant was due for retirement at the end of February 2018 and until

⁴ 2015 (16) SCC 530

⁵ (2002) 8 SCC 481

August 2018, the Appellant was making representations urging that he be given academic duties and was negotiating for his retiral benefits. This goes to show that the Appellant himself accepted his retirement at sixty years of age.

9. Having considered the submissions advanced, we do not find merit in the contention that merely because the UGC and AICTE regulations were subsequently amended in 2010 and the age of superannuation for teachers in Technical Institutions was increased to sixty-five years, the same benefit would automatically extend to the Appellant. The Appellant was working as Director in CSIIT which is affiliated with JNT University which is governed by the laws applicable in the State of Telangana. In this case, the Government of Andhra Pradesh (now Telangana) has decided to not adopt the amendment increasing the age of superannuation to sixty-five in their universities or colleges vide G.O.Ms.No.40, Higher Education & UE-II Department, dated 28.06.2012. The Respondent No.2 Institute is a self-financing, Minority Educational Institution administered by the Respondent No.1 Church of South India, and it is neither run nor funded by the Central Government. The regulations governing the age of superannuation throughout the State, the JNT University and its affiliated colleges including CSIIT is sixty years of age

and therefore, when the teachers of JNT University are only to continue up to the age of sixty years, the Appellant cannot be given special consideration. CSIIT is an affiliated Institute of JNT University. Its teachers cannot have their age of retirement more than that of the teachers of the affiliating University. It would create a serious anomaly, discrimination and inequality. If the State Government itself has not adopted the amended regulations, the same cannot be applicable to the CSIIT. Even CSIIT has not determined the age of retirement of teachers to be 65 years.

10. We have also considered the submission that after the Appellant was given his notice for superannuation, he continued to make representations for retiral benefits such as leave encashment and gratuity etc. This clearly goes to show that the Appellant has accepted his retirement at the age of sixty. Any other way, the Appellant is not a teacher and was only involved in administrative work with CSIIT. The Appellant has not led any evidence until now to prove that he qualifies as a teacher after becoming Director. AICTE and UGC regulations are applicable only to those who qualify as teachers and are discharging classroom teaching duties.

11. Regarding the judgements relied upon by the Appellant to establish that the amended UGC regulations are not merely recommendatory, we have considered them and find those to be distinguishable on fact and as such we are not dealing with them.
12. In view of the above and the fact that the Appellant has already retired, and Respondent No.4 is discharging his duties as Director of Respondent No.2 Institute, we find no reason to interfere with the impugned judgement passed by the High Court.
13. Accordingly, the present appeal stands dismissed.
14. Pending applications, if any, shall stand disposed of.

.....**J.**
(VIKRAM NATH)

.....**J.**
(PRASANNA B.VARALE)

NEW DELHI
DECEMBER 06, 2024